

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

Case No.:

CRYSTAL L. MILLER,

Plaintiff,

v.

HARTFORD LIFE AND ACCIDENT
INSURANCE COMPANY,

Defendant.

COMPLAINT

COMES NOW the Plaintiff, CRYSTAL L. MILLER, by and through the undersigned attorneys, and files this Complaint stating causes of action against Defendant, HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY, and alleges as follows:

1. This is an action for recovery of benefits under employee welfare benefit plans brought pursuant to 29 U.S.C. § 1132(a)(1)(b)(ERISA).
2. Plaintiff, CRYSTAL L. MILLER, is an adult resident citizen of Johnson County, Arkansas.
3. Defendant, HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY (hereinafter “HARTFORD”), is a foreign corporation authorized to do business and actually doing business within the Southern District of Florida.
4. This Court maintains subject matter jurisdiction over this action pursuant to 29 U.S.C. § 1132(e) and 28 U.S.C. § 1331.

COUNT I – BREACH OF CONTRACT

5. Plaintiff and/or her employer, FORTERRA PIPE & PRECAST, LLC purchased through her employer a contract of salary continuance insurance including long term disability (LTD) benefits (hereinafter “the LTD Plan”).
6. At all times material to this Complaint, the LTD Plan was in full force and effect and Plaintiff was an LTD Plan participant.

7. Defendant, HARTFORD, is in possession of all master LTD Plan documents.

8. Defendant is a third party plan administrator or claims fiduciary given discretion to interpret LTD Plan provisions and is an LTD Plan fiduciary, or alternatively, is an LTD plan fiduciary without discretion to interpret LTD Plan provisions.

9. On or about August 25, 2020, Plaintiff became totally disabled from her past employment as defined by the LTD Plan, due to post-stroke complications, including difficulty speaking, functional and cognitive deficits, and right-sided weakness; fatigue; bone pain; headaches; chest pain; difficulty breathing due to inflammation; Crohn's disease; anxiety; and other exertional and non-exertional impairments.

10. Plaintiff made a timely application for disability benefits under the LTD Plan.

11. On or about March 17, 2021, Plaintiff's application for benefits was denied by Defendant or its agents.

12. Plaintiff appealed said denial of benefits on or about September 13, 2021.

13. On or about May 12, 2022, Defendant upheld its previous decision to deny the claim for benefits.

14. Plaintiff continues to remain totally disabled from employment, as defined by the Plan, due to post-stroke complications, including difficulty speaking, functional and cognitive deficits, and right-sided weakness; fatigue; bone pain; headaches; chest pain; difficulty breathing due to inflammation; Crohn's disease; anxiety; and other exertional and non-exertional impairments.

15. Plaintiff has exhausted all mandatory administrative remedies afforded by the Plan and has otherwise complied with all conditions precedent to this action.

16. Each of the Defendant's denials of Plaintiff's claims for LTD benefits constituted abuse of Defendant's discretion under the Plan and derogated Plaintiff's right to disability benefits under the terms of the Plan.

WHEREFORE, Plaintiff prays for a judgment against the Defendant for all LTD Plan benefits owing at the time of said judgment, pre-judgment interest, attorney's fees, costs of this

action, and all other relief deemed just and proper by the Court.

Dated: September 14, 2023

/s/ Nick A. Ortiz
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